

UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF MASSACHUSETTS

_____)	
BLUE HILLS OFFICE PARK LLC,)	
Plaintiff/Defendant-in-Counterclaim)	
)	
v.)	Civil Action No. 05-CV-10506 (WGY)
)	
J.P. MORGAN CHASE BANK, as)	
Trustee for the Registered Holders of)	
Credit Suisse First Boston Mortgage)	
Securities Corp., Commercial Mortgage)	
Pass-Through Certificates, Series 1999-C1,)	
Defendant)	
)	
and CSFB 1999 – C1 ROYALL STREET,)	
LLC,)	
Defendant/Plaintiff-in-Counterclaim)	
)	
and)	
)	
WILLIAM LANGELIER and GERALD)	
FINEBERG,)	
Defendants-in-Counterclaim)	
_____)	

**FURTHER OPPOSITION OF BLUE HILLS OFFICE PARK LLC, GERALD
FINEBERG AND WILLIAM LANGELIER TO EMERGENCY MOTION TO COMPEL**

I. INTRODUCTION

Blue Hills Office Park LLC (“Blue Hills”), Gerald Fineberg (“Fineberg”) and William Langelier (“Langelier”) hereby oppose the Amendment to Emergency Motion of Defendants and Counterclaimants to Compel Deposition of Gerald Fineberg (“Motion to Compel”). As grounds for this Further Opposition, Blue Hills, Fineberg and Langelier aver and assert as follows:

1. Defendants now request Mr. Fineberg to be available on March 29, 2006 for his deposition. As previously set forth their Opposition to Defendants’ Motion to Compel filed on March 23, 2006, Mr. Fineberg is not available to be deposed before March 31, 2006.

2. On Friday, March 24, 2006, counsel for both parties discussed a proposed agreement to depose Mr. Fineberg on April 5, 2006 as well as adjustments to the expert disclosure and deposition schedule. Mr. Fineberg's counsel, Peter McGlynn, discussed this proposed agreement with his client, who has already purchased an airline ticket and arranged to be in Boston on April 5, 2006 for his deposition.

3. Blue Hills, Fineberg, and Langelier do not object to Defendants' request for an adjustment of the expert disclosure and deposition schedule, but do object to some of the dates proposed by the Defendants.

4. The current scheduling order does not contain a deadline for rebuttal disclosures. The deadline of Monday, April 10, 2006 for rebuttal disclosures proposed by the Defendants is not a realistic deadline, given that expert disclosures will not be made until this Friday March 31, 2006. In his letter dated March 20, 2006 and attached to the Motion to Compel as Exhibit "C," counsel for Defendants previously proposed April 14, 2006 as an expert rebuttal deadline, which is acceptable to Blue Hills, Fineberg and Langelier.

5. Blue Hills, Fineberg and Langelier have discussed deposition dates with their experts and have confirmed that one expert can be available the week of April 24, 2006. Another expert is not available before May 1, 2006 because of prior engagements. Dates for a third expert witness have not yet been confirmed.

6. Notwithstanding the efforts of Blue Hills, Fineberg and Langelier to make their experts available as soon as possible, counsel for Defendants has not been forthcoming with available dates for their expert witnesses and have now withdrawn – at approximately 4:00 p.m. today, March 27, 2006 – their consent to depose Mr. Fineberg on April 5, 2006. Defendants now demand that Mr. Fineberg be deposed on Wednesday, March 29, 2006. Further, other than to

say the Defendants' experts are "generally available" before April 28, 2006, Defendants have provided no specific dates. As a result, it is not possible to know if Defendants' suggested dates conflict with the dates that Blue Hills' experts are available or if the dates otherwise conflict with counsels' schedule.

7. Blue Hills, Fineberg and Langelier respectfully request that this Court allow Mr. Fineberg's deposition to proceed on April 5, 2006, to schedule the expert rebuttals for April 14, 2006, and to extend the deadline to depose expert witnesses through May 1, 2006.

REQUEST FOR ORAL ARGUMENT

Pursuant to Local Rule 7.1(D), Blue Hills, Fineberg and Langelier request a hearing on the Motion to Compel. Blue Hills, Fineberg and Langelier do not believe that more than a 10 to 15 minute hearing would be required.

BLUE HILLS OFFICE PARK LLC, WILLIAM
LANGELIER AND GERALD FINEBERG,
By their attorneys,

/s/ Meredith A. Swisher

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